

AMENDED IN ASSEMBLY MAY 18, 2009

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1235**

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**Introduced by Assembly Member Hayashi**

February 27, 2009

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An act to amend Section 512 of the Labor Code, relating to security officers.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1235, as amended, Hayashi. Security officers: meal periods.

The Private Security Services Act provides for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Under existing law, security guards and street patrolpersons are employed by private patrol operators to perform specified functions.

Existing law, except as specified, prohibits an employer from employing an employee for a work period of more than 5 hours per day without providing the employee with a meal period of not less than 30 minutes. Existing law, except as specified, also prohibits an employer from employing an employee for a work period of more than 10 hours per day without providing the employee with a 2nd meal period of not less than 30 minutes.

This bill would ~~require that~~ *provide that the above prohibitions regarding meal periods do not apply to* a registered security officer who is employed by a registered private patrol operator ~~be permitted to take on-duty meal periods for which full compensation is provided~~

if ~~(1)~~ the security officer is covered by a valid collective bargaining agreement containing specified provisions, ~~or (2) the security officer and his or her employer have voluntarily entered into a written on-duty meal period agreement that meets certain conditions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 512 of the Labor Code is amended to  
2 read:

3 512. (a) An employer may not employ an employee for a work  
4 period of more than five hours per day without providing the  
5 employee with a meal period of not less than 30 minutes, except  
6 that if the total work period per day of the employee is no more  
7 than six hours, the meal period may be waived by mutual consent  
8 of both the employer and employee. An employer may not employ  
9 an employee for a work period of more than 10 hours per day  
10 without providing the employee with a second meal period of not  
11 less than 30 minutes, except that if the total hours worked is no  
12 more than 12 hours, the second meal period may be waived by  
13 mutual consent of the employer and the employee only if the first  
14 meal period was not waived.

15 (b) Notwithstanding subdivision (a), the Industrial Welfare  
16 Commission may adopt a working condition order permitting a  
17 meal period to commence after six hours of work if the commission  
18 determines that the order is consistent with the health and welfare  
19 of the affected employees.

20 (c) Subdivision (a) does not apply to an employee in the  
21 wholesale baking industry who is subject to an Industrial Welfare  
22 Commission wage order and who is covered by a valid collective  
23 bargaining agreement that provides for a 35-hour workweek  
24 consisting of five 7-hour days, payment of one and one-half times  
25 the regular rate of pay for time worked in excess of seven hours  
26 per day, and a rest period of not less than 10 minutes every two  
27 hours.

28 (d) If an employee in the motion picture industry or the  
29 broadcasting industry, as those industries are defined in Industrial  
30 Welfare Commission Wage Order Numbers 11 and 12, is covered  
31 by a valid collective bargaining agreement that provides for meal

periods and includes a monetary remedy if the employee does not receive a meal period required by the agreement, then the terms, conditions, and remedies of the agreement pertaining to meal periods apply in lieu of the applicable provisions pertaining to meal periods of subdivision (a) of this section, Section 226.7, and Industrial Welfare Commission Wage Order Numbers 11 and 12.

~~(e) (1) Notwithstanding subdivisions (a) and (b), a security~~

~~(e) Subdivisions (a) and (b) do not apply to a security officer who is registered pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, and who is employed by a private patrol operator who is also registered pursuant to that chapter, may take on-duty meal periods for which full compensation is provided if either of the following conditions is met:~~

~~(A) The if the security officer is covered by a valid collective bargaining agreement that expressly provides for the wages, hours of work, working conditions, and meal periods of employees, final and binding arbitration of disputes concerning the application of its meal period provisions, premium wage rates for all overtime hours worked, and a regular hourly rate of pay that is not less than 30 percent more than the state minimum wage.~~

~~(B) The security officer and his or her employer have voluntarily entered into a written on-duty meal period agreement that does all of the following:~~

~~(i) Permits the security officer to take a compensated, 30-minute, on-duty meal period during each work period of five hours or more in lieu of an unpaid, 30-minute, off-duty meal period during the same work period.~~

~~(ii) Permits the security officer to take a second compensated, on-duty meal period under the same conditions as the first on-duty meal period if the security officer works for 10 hours or more in one work period.~~

~~(iii) Requires that the security officer receive full compensation for on-duty meal periods.~~

~~(iv) Provides that the security officer may revoke the agreement in writing at any time.~~

~~(2) This subdivision shall not apply to an armored vehicle guard employed by an armored contract carrier, as those terms are defined in subdivisions (c) and (d) of Section 7582.1 of the Business and Professions Code.~~

1     SEC. 2. Notwithstanding any other provision of law, the  
2     addition of subdivision (e) to Section 512 of the Labor Code made  
3     by this act does not affect the nature or scope of the law relating  
4     to meal periods, including the timing of the commencement of a  
5     meal period, for employees or employers not covered by that  
6     subdivision.

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